

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

WILLIAM MYRON THURMAN

§

VS.

§

CIVIL ACTION NO. 1:06cv644

BUREAU OF PRISONS

§

MEMORANDUM ORDER REGARDING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Petitioner William Myron Thurman, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the above-styled petition be dismissed without prejudice.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

Petitioner submitted a motion to dismiss the above-styled petition following the magistrate judge's report and recommendation. Pursuant to Federal Rule of Civil Procedure 41(a), petitioner is entitled to voluntarily dismiss his action prior to the service of an answer or of a motion for summary judgment, whichever first occurs. As of this date, the respondent has not been ordered to file a response to petitioner's petition. Accordingly, petitioner's motion to dismiss should be granted.

ORDER

For the reasons set forth above, it is

ORDERED that petitioner's motion to dismiss the petition is **GRANTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this **18** day of **May, 2007**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge